

## **PROPOSED RULE**

### *DRAFT      DRAFT DRAFT* **Proposed Arkansas Boll Weevil Quarantine Regulations**

Additions to:  
CIRCULAR 11

#### SECTION VIII. QUARANTINES

##### 10. Boll Weevil Quarantine

#### **NOTICE OF QUARANTINE:**

The Arkansas State Plant Board has found and determined and does hereby declare that the boll weevil, *Anthonomus grandis* Boheman, is a public nuisance, a pest, and a menace to the cotton industry. Due to the interstate nature of the boll weevil infestation, it is necessary to secure the cooperation of the cotton growers and other state and federal governments.

The purpose of this quarantine is to prohibit movement of the boll weevil by artificial means. The movement of the boll weevil regulated articles from non-eradication zones into eradicated and eradication zones is hereby restricted.

#### **QUARANTINE IMPLEMENTATION:**

The Arkansas State Plant Board will implement the boll weevil quarantine by the 5<sup>th</sup> year of the eradication program or when it is determined that a cotton growing zone of the state has successfully reached the maximum level of weevils of: 0.025 weevils/trap/season average as based on a season long, weekly trapping average conducted by the Boll Weevil Foundation. Regulatory action will be implemented at the discretion of the Board.

#### **DEFINITIONS:**

**Baled Cotton-** Commercially ginned cotton and compressed to a density of approximately 22 pounds per cubic foot and enclosed in clean bagging material.

**Certificate-** A document issued or authorized by the Arkansas State Plant Board, or regulatory official of the state of origin, indicating that a regulated article is not contaminated with boll weevils, or has been treated in such a manner as to eliminate boll weevils. Such articles may be moved to any destination.

**Cotton-** All parts of cotton and wild cotton plants of the genera *Gossypium* and *Thurberia*, except baled cotton and cotton products.

**Cotton Lint-** All forms of raw ginned cotton except linters and gin waste.

**Cotton Products-** Seed cotton, cotton lint, linters, oil mill waste, gin waste, gin trash, cotton seed, cottonseed hulls, and all other forms of un-manufactured cotton fiber.

**Compliance Agreement-** A written agreement between the Arkansas State Plant Board and any person engaged in growing, dealing in, or moving regulated articles wherein the latter agrees to comply with conditions specified in the agreement to prevent the dissemination of the boll weevil.

**Cotton Crop Residue Destruction-** Mowing, uprooting, plowing of cotton plant stalks left in field after harvesting, done in such way to terminate plant growth.

**Eradicated Zone-** A geographical area in any state where eradication of the boll weevil has been achieved.

**Eradication Zone-** A geographical area in any state where an eradication program is being conducted to achieve eradication.

**Exemptions-** Provisions contained in these Regulations which allow for modifications in conditions of movement of regulated articles from regulated areas under specified conditions.

**Farm Operator-** Person responsible for production and sale of a cotton crop on any individual farm.

**Gin Motes-** Short fragments of un-manufactured cotton fiber removed from lint cleaners after ginning.

**Gin Trash-** All materials produced during the cleaning and ginning of seed cotton, bollies or snapped cotton. It does not include the lint, cottonseed or gin waste.

**Gin Waste-** All forms of un-manufactured waste cotton fiber, including gin motes, resulting from the ginning of seed cotton, other than baled cotton lint.

**Inspector-** Any authorized employee of the Arkansas State Plant Board, or any other person authorized by the Arkansas State Plant Board to enforce the provisions of these rules.

**Infested-** Actually infested with a boll weevil or so exposed to infestation that it would be reasonable to believe that an infestation exists.

**Linters-** Residual un-manufactured cotton fiber separated from cottonseed after the lint has been removed.

**Limited Permit-** A document issued or authorized by the Arkansas State Plant Board or a designated regulatory official to provide for the movement of regulated articles to restricted destination for limited handling, utilization or processing, or for treatment.

**Non-commercial Cotton-** Cotton not intended for purposes other than processing or sale.

**Non-Quarantine Area-** Those portions of the state completing the 5<sup>th</sup> year of an eradication program or equivalent level as indicated by official program trapping results.

**Oil Mill Waste-** Waste product, including linters, derived from the milling of cottonseed.

**Person-** Any individual, corporation, company, society, association, or other business entity.

**Regulated Area-** Any state or any portion of such state that is known to be infested with the boll weevil.

**Seed Cotton-** All forms of unginned cotton from which the seed has not been separated.

**Treatment-** The act of eliminating possible cotton pest infestation(s) by means of cleaning, or fumigation in instances in which normal cleaning will not eliminate the infestation.

**Used Cotton Equipment-** Any cotton equipment previously used to harvest, strip, transport, destroy, or process cotton.

### **REGULATED ARTICLES:**

The following articles are regulated under the provisions of this Section:

- (1) The boll Weevil, *Anthonomus grandis* Boheman, in any living stage of development;
- (2) cotton;
- (3) seed cotton;
- (4) gin trash;
- (5) used cotton equipment;
- (6) any other products, articles, or means of conveyance, not covered by Subparagraphs (1) to (5) of this Rule, when it is determined by an inspector that they present a hazard of spread of the boll weevil and the person in possession thereof has been so notified.

### **POST HARVEST STALK DESTRUCTION REQUIRMENTS:**

The following conditions will govern stalk destruction in the quarantine zone:

- (1) Stalk destruction immediately following harvest is encouraged, to eliminate possible weevil host plants, in the absence of weevil captures in ant traps.

- (2) Stalk destruction is required in any field and adjacent fields when any weevils are captured in a trap.
- (3) If the weevil capture is made in a trap that is located on a border between two or more fields, all fields adjacent to the trap with the capture will be required to have stalks destroyed.
- (4) Un-harvested fields adjacent to traps that have a weevil capture must have stalks destroyed immediately following harvest.
  - (A) Additionally, fields adjacent to these un-harvested fields must have stalks destroyed no later than the date when stalks in the un-harvested fields are destroyed.

#### **STALK DESTRUCTION METHODS:**

Stalks may be destroyed by any method that will effectively remove and prevent regrowth of any plant structure that would offer habitat or feeding structures for the boll weevil. These methods may include but are not limited to:

- (1) Flail mowers;
- (2) Rotary mowers;
- (3) Disk Harrow, which may require more than one pass over a field to effect sufficient destruction of plant material;
- (4) Any other implement, that when used would completely destroy and/or bury any plant structures that might provide hostable material that would aid the survival and reproduction of boll weevils.

#### **VIOLATIONS AND ENFORCEMENT ACTIONS:**

- (1) Failure to comply with these cotton stalk destruction requirements constitutes a violation.
- (2) Any violation of these rules is subject to civil and criminal penalties. Additionally, the Plant Board may revoke a certificate or compliance agreement, and/or assess administrative penalties against any person for a violation and/or for failure to adhere to the conditions of the eradication rules and regulations.

### **CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES:**

The following conditions govern the movement of regulated articles:

- (1) A certificate or limited permit is required to transport regulated articles from a regulated area into or through any weevil-free or suppressed zone.
- (2) A certificate or limited permit for movement of regulated articles may be obtained from the Arkansas State Plant Board or an authorized cooperator/collaborator agency.
- (3) A certificate or limited permit may be issued by an inspector if a regulated article:
  - (A) Has originated in the non-infested area of this state or in a non-infested area of any other state and has not been exposed to infestation at any time; or
  - (B) Has been treated to eliminate infestation; or
  - (C) Has been grown, manufactured, stored or handled in such a manner that in the judgment of the inspector no infestation will be transmitted thereby; or

(D) Has been found, upon examination by inspector, to be free of any infestation and such movement will not result in the spread or increased infestation of the boll weevil.

- (4) Limited permits may be issued by an inspector to allow the movement of non-certified regulated articles for specified handling, utilization, processing, or treatment in accordance with approved procedures, provided the inspector has determined that such movement will not result in the spread of the boll weevil.
- (5) When certificates or limited permits are required, they shall be securely fastened to the regulated article or to the outside of the container in which the regulated article is being moved.
- (6) Any certificate or limited permit which has been issued or authorized may be withdrawn by the inspector if he determines that the holder thereof has not complied with any conditions for the use of such documents or with any conditions contained in a compliance agreement.
- (7) Persons requesting certification or a limited permit must request the services from an inspector(s) at least 48 hours before the services are needed. The regulated articles must be assembled at the place and manner in which the inspector designates outside the suppressed/eradicated zone. The following information must be provided at the time the request is submitted:

- (A) The quantity of the regulated article to be moved,
- (B) The location of the regulated article,
- (C) The names and addresses of the consignee and cosigner,
- (D) The method of shipment, and
- (E) The scheduled date of shipment.

### **QUARANTINE AREA:**

Portions of the state which have not completed the 5<sup>th</sup> year of an eradication program or equivalent level as indicated by official trapping results.

### **INSPECTION AND DISPOSAL:**

An inspector is authorized to stop and inspect any regulated article moving into a suppressed or eradicated zone. Any article found to be infested with

boll weevil, or moving in violation of the rules, shall be subject to treatment or confiscation and destruction without compensation as required by the Arkansas State Plant Board.

### **COMPLIANCE AGREEMENT:**

- (1) As a condition of issuance of certificates or limited permits for the movement of regulated articles, any person engaged in purchasing, assembling, exchanging, handling, processing, utilizing, treating, or moving such articles may be required to sign a compliance agreement stipulating that he/she:
  - (A) Maintain such safeguards against the establishment and spread of infestation;
  - (B) Comply with such conditions as to the maintenance of identity, handling, and subsequent movement of such articles: and
  - (C) Cleaning and treatment of means of conveyance and the containers used in the transportation of such articles as may be required by the inspector.
- (2) Any compliance agreement may be cancelled by the inspector who is supervising its enforcement whenever he finds, after notice and opportunity to present views has been accorded to the other party thereto, that such other party has failed to comply with the conditions of the agreement. Any compliance agreement may be cancelled when compliance is no longer required.

### **VIOLATIONS AND PENALTIES:**

Any violation of these rules may be subject to civil penalties under the authority of the Arkansas Plant Act of 1917, A.C.A. Section 2-16-203 and criminal penalties under the authority of the Arkansas Boll Weevil Suppression Eradication Act of 1991, A.C.A. Section 2-16-604.